

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
AND  
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
CONCERNING  
REGULATORY INNOVATION AND THE VIRGINIA  
ENVIRONMENTAL EXCELLENCE PROGRAM**

**I. Statement of Intent**

The United States Environmental Protection Agency Region III (EPA) and the Virginia Department of Environmental Quality (VADEQ) agree on the need to experiment with new regulatory approaches to improve environmental quality. These new approaches can help identify cleaner, cheaper, and smarter ways to ensure that all Virginians enjoy a clean environment and healthy ecosystems. The Agencies are committed to working in an open and collaborative atmosphere to encourage, pursue, and test new ideas that work towards achieving these goals.

This Memorandum of Agreement (MOA) between EPA Region III and VADEQ (henceforth, known collectively as the "Agencies") will guide the working partnership of the Agencies in fulfilling the objectives of the Virginia Environmental Excellence Program. The purpose of this MOA is to facilitate the development, testing, evaluation and use of innovative approaches to improving the effectiveness and efficiency of environmental regulation.

This MOA is intended to foster an environment in which VADEQ innovations are supported and encouraged in order to develop better ways of achieving environmental and ecosystem goals. As the implementing agency for federally approved, authorized, or delegated environmental programs, VADEQ has first hand knowledge of environmental problems, facility issues, and community concerns within the Commonwealth of Virginia. EPA seeks to support VADEQ's efforts with timely input and consultation that demonstrates openness, assistance and flexibility while meeting applicable requirements of the federal statutes.

The Agencies agree that the implementation of this MOA will be one of continual improvement, assessment, and adjustment. Both Agencies commit to on-going communication and cooperation to ensure the success of innovation efforts.

Implementation of this MOA will be conducted in a manner consistent with VADEQ responsibilities under approved, authorized, or delegated federal programs. This MOA will remain in effect for the duration of the Virginia Environmental Excellence Program, or until modified or terminated by one or more of the signatories. This MOA is not intended to supersede any other agreement between the Agencies. This document is not a contract and is not legally enforceable by either party. It does not create rights enforceable by any third party. It may be terminated without any liability or other consequences by either party at any time upon written notice to the other.

This MOA does not establish privity between EPA and the Commonwealth and does not restrict EPA's independent enforcement authority. No waiver of sovereign immunity is implied or assumed by the MOA.

## **II. Principles for Agency Regulatory Innovations**

The Agencies agree to the set of principles set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation (ECOS Agreement) between the Environmental Council of the States (ECOS) and EPA (available electronically at: <http://www.epa.gov/reinvent/ecos/ecos498a.htm>). The Agencies agree to use these principles to guide the partnership as they develop, implement and evaluate regulatory innovations. In summary, these principles are:

Experimentation: Innovation involves new ideas, experimentation, changes and some risk of failure. Experiments that may help us better achieve environmental goals are worth pursuing when the objectives are clearly defined, costs are reasonable, and environment and public health protections are maintained and improved.

Environmental Performance: Innovations seek more efficient and effective ways to achieve our environmental and programmatic goals, with the objective of achieving a cleaner, healthier environment and promoting sustainable ecosystems.

Smarter Approaches: Regulators may seek creative ways to remedy environmental problems and improve the environmental protection system. In doing so, they should be receptive to innovative and more effective approaches.

Stakeholder Involvement: Effective stakeholder involvement produces better understanding among participants and improves the effectiveness of environmental efforts. Stakeholders must have an opportunity for meaningful involvement in the design, implementation and evaluation of innovation projects. Stakeholders may include other government agencies, the regulated community, citizen organizations, environmental groups, and individual members of the public. Stakeholder involvement should be appropriate to the type and complexity of the innovation proposal.

Measuring and Verifying Results: Innovation efforts are more effective when based on measurable goals and objectives. Effective measurement and monitoring allows regulators and stakeholders to monitor progress, analyze results, and respond appropriately.

Accountability/Enforcement: Innovators must be accountable to the public. Current systems of data collection, reporting and enforcement will remain in place unless modifications are part of the innovation. When innovations involve changes to existing reporting or enforcement, appropriate alternatives are needed to ensure that public health and environmental protections are maintained.

EPA-State Partnership: The Agencies will support innovations at all levels to increase the efficiency and effectiveness of environmental programs. This is best accomplished by working together in the design, implementation, and evaluation of innovative ideas and programs.

### **III. The Virginia Environmental Excellence Program**

This MOA defines how the Agencies will work together in developing and implementing innovations under the Virginia Environmental Excellence Program (the "Program"). This section of the MOA sets forth the goals of the Program.

The Virginia Environmental Excellence Program sets forth the following goals:

- improve protection of public health and the environment;
- promote performance and compliance based Environmental Management Systems;
- promote pollution prevention;
- encourage facilities to systematically assess, prioritize and measurably improve environmental performance;
- seek broad stakeholder participation;
- provide recognition and incentives for participation and leadership; and
- enhance trust between government, facility owners/operators and the public.

These goals provide direction for the Agencies to develop systems of environmental protection that may be more effective and efficient than existing programs alone. The goals are consistent with the principles set forth in the ECOS/EPA regulatory innovation agreement and with the Excellence Program framework.

The Excellence Program tests the use of public recognition and regulatory incentives to encourage higher levels of environmental performance for Program participants that develop and implement environmental management systems (EMS). The Program is based on the use of EMSs that improve compliance, prevent pollution, and utilize other measures to improve environmental performance. Program participants enter a "tiered" or multi-level system for facilities demonstrating a commitment to environmental excellence through environmental leadership and the development and implementation of state-approved EMSs. Through participation in the Program, greater environmental performance is acknowledged with increased regulatory flexibility and/or other "benefits" to the facility.

#### Environmental Enterprise (E2)

The first tier, the *Environmental Enterprise (E2)*, is designed for facilities demonstrating a commitment to environmental excellence, including pursuing/promoting pollution prevention; identification of environmental impacts from current and future facility activity; setting objectives and targets for addressing significant environmental impacts; and current and future compliance with all relevant statutory and regulatory requirements. Incentives for participants in the E2 Program include: public recognition by VADEQ; single VADEQ point of contact for regulatory issues; mentoring; pollution prevention assistance; and low interest loans.

#### Exemplary Environmental Enterprise (E3)

The Program's second tier, the *Exemplary Environmental Enterprise (E3)*, includes only those facilities with fully-implemented, VADEQ-approved EMSs and active pollution prevention programs. Facilities applying for participation in the E3 level must demonstrate that their EMS meets minimum requirements set forth by VADEQ. To be considered for inclusion in the E3 category, a facility must submit an application which documents that the following components of the “Virginia Environmental Management System” are in place at the facility;

- Environmental policy statement, outlining the facility’s commitment to the environment;
- Identification of the facility’s actual or potential impacts to the environment from current or future activities and establishment of objectives, targets, procedures and milestones for addressing them;
- Pollution prevention program, including its achievements, objectives and goals;
- Identification of the facility’s environmental legal requirements and a mechanism for tracking changes in environmental compliance requirements;
- Description of how the facility defines, documents and maintains roles, responsibilities and authorities for its environmental management system;
- Procedures for reporting and record keeping to document the status of environmental management system operations and activities;
- Procedures for ensuring that facility employees have necessary training;
- Emergency response procedures for responding to, reporting, mitigating and reviewing incidents;
- Monitoring, investigative and corrective actions for noncompliance with the facility’s environmental management system;
- Voluntary self assessments (external or internal auditing system); and,
- Procedures to communicate with or inform external and internal audiences.

In addition, E3 participants should be able to demonstrate a history of compliance with all applicable federal/state environmental laws and currently be in full compliance with all statutory and regulatory requirements.

VADEQ will review all E3 applications for completeness. If additional information is needed, the facility will be notified. If the application is determined to be complete, the documentation submitted by the facility will be reviewed by a VADEQ team to determine whether it meets the requirements of the Virginia Environmental Excellence Program outlined above. The review may include a meeting at the facility to review the submitted documentation. The review team may include appropriate permitting, compliance, enforcement and technical assistance staff, depending on the facility. If deficiencies are identified, the facility will be notified and provided the opportunity to submit additional information. If the application for participation is approved, the facility will receive a letter from DEQ. Program eligibility determinations, as well as termination of participation and any terms imposed upon either, are not case decisions under the *Virginia Administrative Process Act* or any other provision of law and are not subject to judicial review or appeal. However, if a facility is not accepted into the E3 program, the facility will have an opportunity to request a reconsideration of the decision.

E3 participants receive all of the benefits of the E2 level outlined above. E3 participants

implementing an approved EMS and pollution prevention program may receive consideration for additional benefits in the form of reduced regulatory oversight or other regulatory incentives on a case-by-case basis. Through this program, VADEQ seeks additional commitments toward superior environmental performance from those E3 participants requesting such regulatory flexibility or other benefits. Once a facility is approved as an E3 participant, the DEQ review team will work with the facility to identify a range of regulatory flexibility options appropriate for consideration based on a number of factors, including the scale, scope and complexity of the facility's operations as well as physical and geographic characteristics of the facility's location.

Following an initial six month performance period, as long as a determination has been made that the facility is making progress in achieving its goals and objectives, and remains in compliance with environmental regulatory requirements, VADEQ, in coordination with EPA as outlined in Section V, will consider the implementation of the proposed flexibility options in an order of priority specified by the facility. Facilities achieving E3 status that have had a third party audit report documenting satisfactory performance for the previous year may be eligible for immediate consideration of regulatory flexibility.

#### **IV. Roles and Responsibilities of the Agencies**

VADEQ will implement the Program within its current statutory and regulatory authorities (the Code of Virginia, Sections 10.1-1183 and 10.1-1425.14). Where Program implementation impacts federally authorized or delegated programs, VADEQ will consult with EPA in its development of supplemental state legislation/regulations as necessary. VADEQ will administer the Program in conjunction and coordination with its administration of existing environmental programs. VADEQ and E3 participants will implement any regulatory flexibility or other incentive through an Environmental Excellence Agreement accompanied by a legally enforceable mechanism (see Section V discussion). The Agencies will follow the process described in Section V of this MOA to define any necessary federal actions and ensure that EPA is prepared to implement those actions.

VADEQ will determine eligibility for participation in the Virginia Environmental Excellence Program based upon applicable state guidance pertaining to eligibility in the Program (see Section III above). EPA will assist VADEQ in development of guidance pertaining to federally authorized or delegated programs.

##### E2 Applications

For E2 applicants, VADEQ will review all applications and determine eligibility for acceptance into the Program. VADEQ will forward the names of participating E2 facilities to EPA Region III periodically.

##### E3 Applications

EPA will be provided with a copy of any E3 application that, based on VADEQ's assessment, may in the future involve consideration of regulatory flexibility or incentive and therefore requires some level of federal involvement. With respect to E3 applications, EPA will review each application and inform VADEQ of factors it believes should be considered in the selection

process, including enforcement and compliance-related matters, the applicant's qualifications, and the need for federal actions necessary to implement the requested regulatory flexibility or incentive.

As appropriate and determined by EPA at a later date, the Agencies may develop a reciprocity agreement or other means of coordination regarding the implementation of the Environmental Excellence program and EPA's National Environmental Performance Track.

## **V. Agency Cooperation and Coordination on Programmatic Issues**

### Overview of the Process

The Agencies will establish a Virginia Environmental Excellence Program Team ("Team") to coordinate communication and collaboration on the Program. The Team will have co-chairs from each agency to ensure that interagency issues of concern are effectively addressed. Team co-chairs will be responsible, within their respective Agencies, for program development, ensuring prompt and effective involvement by relevant Agency offices, communication and resolution of issues. Team co-chairs will report to the Director of VADEQ and the EPA Region III Administrator or their designees, and will involve appropriate program offices from each Agency. The Team will work on two tracks. 1) It will address and seek a common understanding on programmatic issues for each project such as regulatory flexibility mechanisms (including related state authorization issues), enforcement, compliance and public involvement. 2) It will serve as the forum for interagency communication and deliberations during the E3 application selection, negotiation, and implementation process.

### Programmatic Issues

The Agencies recognize that successful implementation of the Program will require agreement on how to address a number of programmatic issues. Some of these issues can be identified during program development and some will be identified during implementation. Team co-chairs will be responsible for assuring that any issues of concern are addressed by the appropriate Agency representatives in a timely manner. The following are considered key issues:

#### *Regulatory Flexibility or Other Incentives*

The Program will consider modifications to environmental regulations, policies, guidance, and practices for E3 participants. When proposed regulatory flexibility would have the effect of modifying a federally approved, authorized, or delegated program, the Agencies will consult to assure that the change is made in accordance with all applicable requirements and is fully enforceable. Through this consultation process, the Agencies will ensure that any proposed modifications do not compromise delegation, authorization or enforcement agreements, and that they are implemented in ways that are consistent with the discretion allowed under federal and Virginia statutes. EPA may determine that certain regulatory flexibility requires modification of the approved, authorized or delegated program. In such cases, federal action may be required to ensure that any regulatory flexibility granted is consistent with the federal program. Additionally, EPA may have to modify the federal program vis-a-vis a rule change in order to implement the flexibility. EPA will consider such changes on a case-by-case basis and retains final approval authority.

In general, the required implementation steps will depend on the nature and magnitude of the regulatory flexibility or incentive being considered. VADEQ may have the discretion to change implementation of its currently authorized and delegated programs without requiring federal action.

If the Agencies agree that the requested flexibility involves a VADEQ policy, practice or interpretation falling within this range of discretion, the Agencies agree that no federal action will be necessary. Additionally, no federal action will be necessary for incentives involving state-only programs that do not affect federally approved, authorized, or delegated programs. However, to ensure a clear understanding among the Agencies, VADEQ will inform EPA of all proposed program modifications that VADEQ views as not requiring federal action.

Furthermore, where the proposed regulatory flexibility or incentives affect the regulatory requirements of a federally approved, authorized or delegated program, the Agencies agree to follow the applicable state and federal procedures for rule or program changes. Such procedures would be those existing as of the signing of this MOA or any new or modified procedures the Agencies subsequently develop and agree to employ that are consistent with federal and Virginia statutes and the ECOS/EPA Agreement. In this way, the Agencies intend that any such change to implement regulatory flexibility or other incentive will be consistent with Virginia's responsibilities under approved, authorized, or delegated programs and remain federally enforceable.

#### *Environmental Excellence Agreements*

Once an applicant is approved as an E3 participant, VADEQ will work with the participant to identify any requests for regulatory flexibility or other incentive. VADEQ will evaluate the request, and upon approval, negotiate an Environmental Excellence Agreement (EEA) with the participant. An EEA is a joint statement of the plans, intentions and commitments of the VADEQ and the E3 participant regarding the implementation of any requested regulatory flexibility or other incentive. For those regulatory decisions requiring concurrence by EPA, VADEQ will facilitate a review of the proposed EEA with EPA Region III. While the EEA contains detailed information necessary for the implementation of any regulatory flexibility, it is not a legally binding document or contract, and does not create legal rights or obligations for the signatories. Any EEA that outlines regulatory flexibility or other incentive must be accompanied by a legally enforceable and binding document, or "enforceable alternative mechanisms" (see below).

#### *Legal Mechanisms*

VADEQ and EPA intend that any regulatory flexibility for an E3 participant will be implemented through legally enforceable means such as site-specific rulemaking, substitute permit, compliance order, or other legal mechanism establishing the alternative compliance requirements for an E3 participant. Once an E3 participant requests regulatory flexibility, VADEQ will work to identify the appropriate legal mechanism for implementation.

If EPA determines that federal action is necessary before the granting of regulatory flexibility or other incentive, EPA will decide, after consultation with VADEQ, if it is prepared to initiate that action and what is required in order to take such action. When considering regulatory flexibility that would require a waiver or modification to a requirement of a federally authorized or delegated program, VADEQ and EPA will consult to determine whether the flexibility being considered is

consistent with the principles contained in the ECOS Agreement and which procedures may be required to implement the change in accordance with federal law and the need for (if any) reauthorization or redelegation. Both EPA and VADEQ will emphasize early and frequent communication, cooperation, and partnership in such discussions. The Agencies agree that expedited decision-making is essential to this effort, and commit to targeted timeframes to pursue resolution of questions and issues in an expedited manner.

### *Enforcement and Compliance*

The Agencies will work to ensure that all inspections and enforcement actions regarding Program participants are coordinated. EPA retains its right to bring enforcement actions but will not increase scrutiny of a company on the sole basis that it is a Program participant. VADEQ will inform EPA immediately upon discovering through an inspection of a participant, or self-disclosure, of a non-compliance situation and will convey how the participant and VADEQ propose to address the situation. VADEQ will keep EPA informed throughout the course of any compliance schedule negotiated with a Program participant. EEAs will be modified to incorporate compliance schedules and any new commitments.

In cases involving issues where other State, local or federal agencies may have authorities affected by a Program application, the Agencies recognize that the Program may be enhanced by the involvement of these agencies and agree to coordinate as necessary. In cases where such involvement is requested, VADEQ will serve as the primary contact for state and local agencies. These additional agencies may directly participate in discussions with EPA and VADEQ. EPA will serve as the primary contact for other federal agencies.

The Agencies agree to the following enforcement and compliance principles in addressing facilities participating in the Program:

- a) Facilities with strong compliance histories are eligible for Program participation (except under special circumstances), and VADEQ and EPA will review compliance consistent with the approach outlined in EPA's "Compliance Screening Guide for EPA Partnership Programs;"
- b) When noncompliance by a Program facility is self-reported and corrected consistent with any applicable federal and state policies, VADEQ will use its discretion in assessing gravity-based penalties provided the participant's EMS is modified to prevent recurrence;
- c) Except as provided in the legal mechanism implementing specific regulatory flexibility, participants are required to remain in compliance with all other existing and future state and federal laws or regulations;
- d) For facilities not participating in the Program, applicable statutory and regulatory requirements remain in effect and are fully enforceable;
- e) VADEQ and EPA maintain their ability to conduct compliance inspections of the Program participants; and,
- f) Except as expressly provided in the legal mechanism implementing the project-specific regulatory flexibility, nothing in an EEA affects or limits the participant's, EPA's, the State's or other signatory's legal rights. These rights may include legal, equitable, civil, criminal, administrative claims, or other relief regarding enforcement of present or future applicable federal and state laws, rules, regulations or permits with respect to the participant.



*Public Involvement in Developing, Piloting, and Evaluating Innovations* - The Program design will include opportunities for early, open, and inclusive stakeholder involvement, specifically including those who may be directly affected by the Agency decisions made with respect to implementation of the Program. The Agencies will consult on an ongoing basis about the public involvement strategies employed in conjunction with the Program, assessing the extent to which they are consistent with the goals of the Program and the principles set forth in Section II, above, and evaluating strategies for improving their effectiveness.

### Agency Coordination on Individual E3 Participants

For purposes of this MOA, the process for approving applications and granting regulatory flexibility or incentives to individual E3 participants is divided into four phases: (1) review and approval or denial of facility application; (2) negotiation of the key elements of the legal mechanism for regulatory flexibility and negotiating the individual EEA; (3) program implementation; and (4) evaluation of lessons learned and replication of successful innovations. EPA's level of involvement will be limited to steps 2, 3 and 4. The level of Team activities will vary depending on the types of flexibility or incentives proposed for a participant and the extent to which these actions affect federal requirements. In some instances, EPA may have no involvement. The Agencies will work together during each of these phases as set forth below.

#### *Phase 1: Application Review Process*

The Agencies agree to the need for clear and early communication about the merits and challenges of potential E3 participants. When VADEQ receives an application, it will forward a copy to the EPA Team co-chair or their designee for compliance screening. VADEQ will evaluate an individual Program application and conduct a compliance review to identify any recent or pending actions regarding the facility. The EPA co-chair will communicate any initial EPA reactions to the VADEQ Team co-chair or their designee within a target of three weeks. The decision to accept or reject an application will be made within a target of 45 days and that decision will be immediately communicated to the applicant by VADEQ. VADEQ will provide the public notice of its decision to accept an application in accordance with state law.

For applications that are accepted, VADEQ will request that the facility submit a list of regulatory flexibility proposals, if any are sought. Upon receipt of such a list, VADEQ will request EPA involvement for flexibility that potentially requires federal action to implement. The VADEQ co-chair will provide an assessment of a need for federal involvement to the EPA co-chair in writing. EPA will promptly review the requested flexibility, identify the regulatory actions that will likely need federal action to implement, and will decide whether to proceed to the next phase. The EPA co-chair will communicate this information in writing to the VADEQ co-chair. The Team may hold meetings during this review process to help the Agencies decide whether or not to proceed to the negotiation phase of the project.

#### *Phase 2: Negotiating Key Elements of an Environmental Excellence Agreement and Identification of Legal Mechanisms*

The Agencies agree that for the Program to succeed, resolution of regulatory issues must proceed expeditiously through the negotiation phase. The objective for this phase is to reach agreement on

environmental performance, regulatory flexibility and identify the legal mechanism for implementing that requested flexibility.

VADEQ will take the lead in specifically defining the purpose and details of any proposed flexibility through an EEA. In addition, VADEQ will identify the appropriate legal mechanism that renders the regulatory flexibility effective. The Team will meet as necessary to identify the most efficient legal mechanisms consistent with federal and state law for implementing the specific flexibility or incentives. The Agency co-chairs will ensure that the appropriate program offices and staff are involved in detailed review and negotiation of EEA and proposed implementing mechanism being considered for a participant.

The Co-chairs and Team members will inform management in the relevant program offices, the EPA Region III Regional Administrator, and the Director of VADEQ, or their designees, of the negotiations and request actions on decisions to proceed with the necessary mechanisms to implement incentives. After the specific EPA actions are identified to implement incentives, the EPA Regional Administrator or his designee, will convey in writing to the VADEQ, EPA's agreement to pursue the identified implementation steps.

### *Phase 3: Program Implementation*

The Agencies agree to take all reasonable steps, through effective communication and collaboration, to ensure that each regulatory flexibility proposal proceeds smoothly through the implementation phase. The required implementing steps will depend on the nature of the flexibility or incentives sought by each Program participant.

The Agencies agree to coordinate and conduct required federal and state public review processes concurrently when possible. Stakeholders must have an opportunity for meaningful involvement in the design and evaluation of facility agreements. The Agencies agree that each agency will participate, as appropriate, in the stakeholder involvement process for each participant's EEA. VADEQ will provide EPA with a copy of the Program approval criteria (including critical elements of the E3 facility's EMS and of VADEQ's compliance review criteria) and the annual Program performance report from each participant. The Agencies will work to develop a system for identifying E2/E3 facilities in relevant databases and tracking systems so that all Agency program offices will be aware of a participant's status. The Agencies will work to ensure that each E3 participant's alternative compliance requirements are measurable by means comparable to the current requirements and that relevant participant information is accessible to the public and regulators.

The Team will discuss modifications, renewals, or proposed terminations of an EEA prior to VADEQ making a final decision on such actions. A termination review will automatically be triggered and participation in the Program may be terminated by VADEQ under the following circumstances:

- failure by any party to (a) comply with the provisions of the legally implementing mechanism for the project, or (b) act in accordance with the provisions an EEA;
- failure of any party to disclose material facts during the development of an EEA;
- failure of the project to provide superior environmental performance consistent with the

- provisions of an EEA;
- enactment or promulgation of any environmental health or safety law or regulation after the execution of an EEA, which renders the project legally, technically, or economically impracticable;
- significant violations or possible violations of a participant's environmental regulatory requirements are not promptly corrected, the EMS is not sufficiently modified to prevent violations or repeat violations indicate fundamental deficiencies in a Program facility's EMS; violations presenting imminent and substantial endangerment or actual harm;
- criminal conduct;
- failure to report and correct violations discovered as a result of an EMS;
- failure to comply with the terms of a state/federal schedule, order or decree;
- failure to document overall EMS and pollution prevention improvement in the annual report;
- or
- failure to meet its commitment to the Program on a continuous basis.

*Return To Compliance*

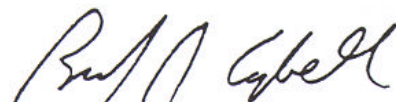
If a facility's participation in the Program is terminated for any cause or action, regulatory requirements existing prior to the granting of any regulatory flexibility will be in effect for that facility upon termination from the Program. The EEA and/or legal mechanism should provide for a participant's orderly return to compliance with all existing regulatory requirements.

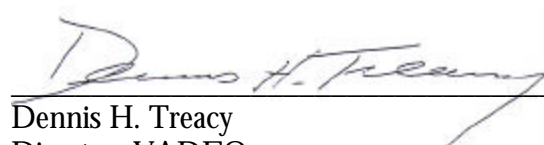
Phase 4: Evaluation of Lessons Learned and Replication of Successful Innovations

The Agencies agree that, as emphasized in the Joint State/EPA Agreement to Pursue Regulatory Innovation, evaluating Virginia's Environmental Excellence Program is an integral step in making systemic improvements to environmental regulatory programs. VADEQ will take the lead in developing protocols for measuring the success of the Program with EPA and external stakeholders providing input. To this end, the Agencies will collaborate in evaluating the working relationship of the Agencies under this MOA, the success of the overall Program, and the success of individual facility agreements.

**VI. Memorandum of Agreement Signature Page**

This Agreement is hereby entered into this 21 day of July, 2000 and remains in effect unless amended by mutual consent.

  
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 Bradley M. Campbell  
 Regional Administrator  
 EPA Region III

  
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 Dennis H. Treacy  
 Director, VADEQ